

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

DARIUS WELCH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 5:14-cv-00250-WMA-TMP
	)	
DEWAYNE ESTES, et al.,	)	
	)	
Defendants.	)	

**ORDER**

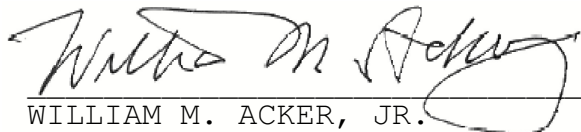
The magistrate judge filed a report and recommendation on October 31, 2014, recommending that the following claims be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief may be granted:

- (1) the plaintiff's claims against the defendants in their official capacities for monetary relief;
- (2) the plaintiff's claims against Inmate Lamar Temple;
- (2) the plaintiff's supervisory claims against Defendants Estes and Jones;
- (3) the plaintiff's claims against Defendant Dudley; and
- (4) the plaintiff's claims against Defendant Ross.

(Doc. 7). The magistrate judge further recommended that the plaintiff's Eighth Amendment failure to protect claims against Defendants McGhee and Noe be referred to the magistrate judge for further proceedings. (*Id.*). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. It is therefore ORDERED, ADJUDGED, and DECREED that all of the plaintiff's claims in this action except his Eighth Amendment failure to protect claims against Defendants McGhee and Noe are DISMISSED pursuant to 28 U.S.C. § 1915A(b). It is further ORDERED that the plaintiff's Eighth Amendment failure to protect claims against Defendants McGhee and Noe are REFERRED to the magistrate judge for further proceedings.

**DONE** this 29th day of December, 2014.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE